

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

MOSES CABRAL,

Defendant.

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Criminal Action No. 20-MJ-06383-MPK-10

ASSENTED-TO MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE

Defendant Moses Cabral hereby moves, with the assent of the Government and Probation, to modify his conditions of pretrial release to impose a daily curfew from 11:00 PM to 8:00 AM in substitution for the condition of home detention currently in effect. In support of this Motion, Mr. Cabral states:

1. Mr. Cabral's current conditions of release were set by this Court on June 23, 2020. *See Dkt. No. 28*. In addition to GPS location monitoring, his conditions include home detention, which requires Mr. Cabral to be in his home 24/7. He is only allowed out for very limited purposes, and only with the express permission of Probation.

2. Probation reports that during the 5.5 months of Mr. Cabral's release on conditions, he has had "no issues of non-compliance." Probation supports the modification of Mr. Cabral's conditions of release from home detention to the requested curfew, as part of a gradual step-down in his restrictions.

3. Mr. Cabral has recently obtained a job, working for Papa Gino's in Stonham, MA. The job, for which Probation has permitted him to leave his home, has varying hours, including evening hours that would make it difficult for Mr. Cabral to be home before 11:00 PM on a regular basis.

4. The requested curfew hours will enable Mr. Cabral to work at his new job without continuously obtaining permission from Probation.

5. Over the past 5.5 months, Mr. Cabral has demonstrated that while on conditions he is neither a risk of flight nor a danger to the community. The requested modification of his terms of release are a natural step-down from his current conditions, and would appropriately recognize his full compliance over the period of his supervised release to date.

6. With the exception of the one change from home detention to curfew, Mr. Cabral's current conditions of release will remain unchanged.

7. Both Probation, through Mr. Cabral's Probation Officer Marlenny Ramdehal, and the United States Attorney's Office, through AUSAs Michael Crowley and Corey Steinberg, assent to this Motion.

WHEREFORE, Mr. Cabral requests that this Motion be allowed, and that his conditions of release be modified to impose a daily curfew from 11:00 PM to 8:00 AM in substitution for the condition of home detention currently in effect. In all other respects, Mr. Cabral's conditions of release shall remain unchanged.

Respectfully submitted,

MOSES CABRAL

By his attorneys,

/s/ David J. Apfel

David J. Apfel (BBO # 551139)

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December 8, 2020

LOCAL RULE 7.1(a)(2) CERTIFICATION

I, David J. Apfel, Esq., hereby certify that I have conferred in good faith with the government regarding the above-captioned motion to modify Defendant Moses Cabral's conditions of release, and the government, through AUSAs Michael Crowley and Corey Steinberg, has assented to the motion.

/s/ David J. Apfel
David J. Apfel, Esq.

CERTIFICATE OF SERVICE

I, David J. Apfel, Esq., hereby certify that a copy of this Assented-To Motion was served on all counsel of record through the ECF filing system on December 8, 2020.

/s/ David J. Apfel
David J. Apfel, Esq.